IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 24243 of 2007(J)

PETITIONER:

N.BHASKARAN NADAR,
NEELA COTTAGE, DERPA VILA,
KANJIRAMKULAM P.O.,
TRIVANDRUM.

BY ADVS. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HEALTH SERVICES,
   GENERAL HOSPITAL JUNCTION,
   TRIVANDRUM.

3. THE ACCOUNTANT GENERAL (A & E),
   KERALA, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.REMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.24243 of 2007 J

Dated this the 22nd day of October, 2007.

JUDGMENT

The petitioner retired from service on 31.1.2002. According to the petitioner, as per the General Provident Fund Annual account statement furnished by the 3rd respondent, the total credit shown in the account of the petitioner was Rs.1,44,815/-. The petitioner contends that subsequently, by Ext.P1 letter from the Accountant General's Office, he was intimated that authorisation is being issued only for release of an amount of Rs.1,07,114/- as the final payment of the provident fund balance. Notice was issued by the petitioner asking for explanation regarding the difference and no action was taken. The petitioner approached this court seeking a direction to the respondents to look into the matter and take a

decision. Subsequently, Ext.P5 was issued referring to the objections filed by the petitioner. It is Ext.P5 which has been challenged in this writ petition.

2. The main explanation offered in Ext.P5 is that, at the time of finalisation of the GPF A/c of the petitioner, it was noticed that there are withdrawals, which were missing in the account. That was for an amount of Rs.81,350/-. At the same time, certain credits were missing in the account and this amounted to Rs.39,127/-. The differential amount was, therefore, deducted from the opening balance as on the date of retirement and the consequential amount was authorised in Ext.P1.

3. In my view, the procedure adopted in this regard suffers from an infirmity. The

opening balance, as reflected in the pass book maintained by the petitioner, on the date of retirement, will have to be treated as a bench mark. Normally, only the Accountant General's Office will be able to say whether the pass book has been maintained correctly. What seems to have been done in the present case is verification of the account, subsequent to the date of retirement of the petitioner and debits and credits, according to the 3rd respondent, are not reflected in the pass book. In other words, the petitioner is imputed with certain transactions by way of withdrawal without calling for his version. This is irregular.

4. In the circumstances Ext.P5 is set aside. The 3rd respondent is directed to give notice to the petitioner regarding any

withdrawals or credits which are not either debited or credited in the pass book on the date of his retirement. He will be permitted to submit his objections by way of a representation and a decision thereon shall be taken within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner.

Writ petition is disposed of as above.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge